

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

vs.

:

NO. CR-2-07-099(5)
JUDGE MARBLEY

DEVON L. FERNANDEZ

GOVERNMENT'S PLEA AGREEMENT SUBMISSION
OF ELEMENTS AND PENALTIES FOR
21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(B)(viii)
AND 18 U.S.C. § 924(c)(1)(A)(i)

1. ELEMENTS: 21 U.S.C. §§ 846, 841(a)(1) and
841(b)(1)(B)(viii)

- First: That the defendant conspired to possess with the intent to distribute and to distribute more than fifty grams of methamphetamine, a Schedule II controlled substance;
- Second: That the conspiracy described in the Indictment was willfully formed, and was existing at or about the time alleged;
- Third: That the defendant willfully became a member of the conspiracy;
- Fourth: That said agreement existed in whole or in part, at or about the time alleged, in the Southern District of Ohio.

2. PENALTIES

- A. Mandatory Minimum: Five.
- B. Possible Maximum: Forty years imprisonment, a fine of \$2,000,000, a five-year term of supervised release, and \$100 special assessment.

3. ELEMENTS: 18 U.S.C. §§924(c)(1)(A)(i)

- First: That the defendant did possess a firearm in furtherance of a drug-trafficking crime;
- Second: That the defendant did so knowingly and intentionally;
- Third: That the act occurred on or about the date alleged in the Indictment in the Southern District of Ohio.

4. PENALTIES

- A. Mandatory Minimum: A mandatory consecutive five-year term of imprisonment;
- B. Possible Maximum: A \$250,000 fine, a three-year term of supervised release, and a \$100 special assessment.

Respectfully submitted,

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s/David M. DeVillers

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